**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOLENE CRAINE,	*	
	*	
Plaintiff,	*	
	*	
VS.	*	**CASE NO.: 2011-10**
	*	
	*	
PRISM RESOLUTION LLC,	*	
	*	
	*	
Defendant.	*	

COMPLAINT

COMES NOW Plaintiff, Jolene Craine, (hereafter "Plaintiff") by counsel, and for her Complaint against the Defendant, alleges as follows:

JURISDICTION

1. This action includes claims which arise under the statutes of the United States and this Court's jurisdiction is conferred by 28 U.S.C. § 1331, 15 U.S.C. § 1692k(d) and 28 U.S.C. 1367. This action also includes state law claims as to which this Court has pendant jurisdiction.

PARTIES

2. The Plaintiff is a natural person and resident of the Baldwin County, Alabama. She is a "consumer" as defined by 15 U.S.C. § 1692a(3).

3. Defendant Prism Resolution, LLC. ("Prism"), is a corporation formed under the laws of the State of Alabama and has its principal place of business in New York. Prism is a "debt collector" as defined by the 15 U.S.C. § 1692a(6)

FACTS

4. Beginning in or around December 2009 Prism began making telephone calls to the Plaintiff. In the initial phone conversation, Prism insisted that Plaintiff owed a debt on a credit card account, although no identification of the account was given. Prism's collectors represented to Plaintiff that she was required to make immediate payment in order to avoid immediate garnishment

and other legal consequences.

5. Prism's collectors convinced Plaintiff that she was legally required to make payment, even though she knew nothing about the account. Plaintiff therefore authorized a one hundred dollar electronic withdrawal from her checking account, which was paid to and received by Prism. Sometime later, Plaintiff closed the bank account due to the actions of Prism. When Prism was unable to extract any further money, it continued to harass the Plaintiff by phone and continued to threaten legal action, including criminal charges. The Prism collectors told Plaintiff that she would "go to jail" for writing bad checks and that she would be taken to court. Prism collectors repeatedly called Plaintiff well into 2010, repeatedly making threats of legal action if she made no further payment. At one point, an extended message was left on Plaintiff's answering machine in which the Prism collector referred to a "docket number" that had been opened up in Baldwin County Court and implied that her continued refusal to pay would result in criminal actions.

6. At no time has Prism provided any written statement or disclosure with regard to its collection efforts.

COUNT ONE
(Fair Debt Collections Practices Act Violations)

7. Plaintiff realleges and incorporates each of the preceding paragraphs as if fully set out herein.

8. This is a claim asserted against Defendant Prism for multiple violations of the federal Fair Debt Collections Practices Act, 15 U.S.C. § 1692 *et seq.* (the "FDCPA").

9. Defendant Prism is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6). The alleged debt which Prism attempted to collect from Plaintiff is a "debt" as defined by the FDCPA, 15 U.S.C. § 1692a(5).

10. Defendant has violated the FDCPA in connection with its attempts to collect on an alleged consumer debt and its credit reporting regarding the alleged debt. Defendant's violations include, but are not limited to, the following:

A. Making repeated attempts to collect upon a debt without notifying Plaintiff that she has the right to dispute the validity of the debt and the right to request written verification of the debt as required by 15 U.S.C. § 1692g(a);

B. Making repeated attempts to collect upon a debt without providing the required notice that the communication is from a debt collector as required by 15 U.S.C. § 1692g(11);

C. Engaging in communication with Plaintiff, the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt. This is a violation of 15 U.S.C. § 1692d.

D. Falsely presenting or implying that your payment of a debt will result in garnishment, arrest, or imprisonment. This is a violation of 15 U. S. C. S. 1692e(4) and (5).

11. Some or all of the actions taken by Prism in violation of the FDCPA occurred within one year of the filing prior to this action.

12. As a proximate result of Prism's violations of the FDCPA, Plaintiff has suffered actual damages, including mental and emotional pain, distress and anguish, humiliation and embarrassment, as well as damages to her credit and reputation.

13. As a result of its violations of the FDCPA, Defendant is liable to Plaintiff for compensatory damages, statutory damages, costs and attorneys fee, and for declaratory judgment that Defendant's conduct violated the FDCPA.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant Prism for the following:

A. Actual damages, including damages for mental and emotional pain, distress and anguish, humiliation and embarrassment, as well as damages to her credit and reputation;

B. Statutory damages pursuant to 15 U.S.C. 1692k;

C. Costs and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k;

D. Such other and further relief as this Court deems just and proper, the premises considered.

COUNT TWO
(Wantonness)

14. Plaintiff realleges and incorporates all of the preceding paragraphs as if fully set out herein.

15. The actions taken by the Defendant in attempting to collect the alleged debt against Plaintiff constitute wantonness. Those actions were made with a wanton, reckless or conscious disregard for Plaintiff's rights and well-being. Plaintiff suffered damage as a proximate result of Defendant's wantonness.

WHEREFORE, Plaintiff requests that this Court enter a judgment against Defendant for wantonness and award Plaintiff compensatory damages, including damages for mental anguish and emotional distress; and punitive damages, plus interest and costs. Plaintiff further requests such other relief as the Court deems just and proper, the premises considered.

COUNT THREE
(Theft by Deception)

16. Plaintiff realleges and incorporates all of the preceding paragraphs as if fully set out herein.

17. The actions taken by Prism against Plaintiff constitute a theft by deception of Plaintiff's property. Defendants engaged in oppressive and false communications designed to convince Plaintiff that she was required by law to make an immediate payment and that the failure to do so would result in criminal actions. These statements were false and led to Plaintiff's payment to Prism of amounts she did not owe.

WHEREFORE, Plaintiff requests that this Court enter a judgment against Defendant Prism for theft by deception and award Plaintiff compensatory damages, including damages for mental anguish and emotional distress; and punitive damages, plus interest and costs. Plaintiff further requests such other relief as the Court deems just and proper, the premises considered

TRIAL BY JURY IS DEMANDED.

KENNETH J. RIEMER (RIEMK8712)
Underwood & Riemer, P.C.
Attorney for Plaintiff
Post Office Box 1206
Mobile, Alabama 36633
Telephone: (251) 432-9212
Fax Number: (251) 433-7172
E-mail: kriemer@alaconsumerlaw.com

DEFENDANT TO BE SERVED VIA CERTIFIED MAIL AS FOLLOWS:

Prism Resolution, LLC.
P. O. Box 218
North Tomawanda, NY 14120